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10/064,790	08/16/2002	David E. Allport	ER1602.06US	5720

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EXAMINER

PARRA, OMAR S

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/064,790		Applicant(s) ALLPORT, DAVID E.	
	Examiner OMAR PARRA		Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12 March 2008.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-60 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-60 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims **1-60** have been considered but are moot in view of the new ground(s) of rejection.

Although a new limitation is brought in by applicant, the examiner believes necessary to respond to applicant's arguments since the Stautner reference is used to cover applicant's invention as claimed. Applicant argues that applicant's "...first column does not display topic or is not a topic displayed column..." where..."the first column in Stautner displays the topic (i.e. NEWS, SPORTS, PERSONAL, FINANCE, KIDS, GARDENS) as shown in Fig. 4". Applicant keeps the same argument for the Nelson and Darbee references (page 11 second paragraph-page 12 first paragraph. To this matter, the examiner respectfully disagrees.

Stautner teaches an EPG displayed as a grid EPG (Fig. 4). The EPG, as construed by the examiner, is composed of a group of cells arranged in a matrix type of display and two axes: a vertical column usually on the left, and a top row, which are tools for the user to know how the cells are arranged. As claimed, the independent claims call for an "...electronic program guide (Stautner: the two axes, time display, and the group of cells containing the titles, Fig. 4) comprising a logical grid (the area where the cells have double lines as borders, Fig. 4)... displaying in a first cell formed at an intersection of a first row and a first column (CNN, channel 22 cell, Fig. 4), program information for a first program associated with a first source, the program information being title-based information (Fig. 4-

Art Unit: 2623

"CNN" is title-based information, just as "ABC NIIGHTLITE" under the "10:30pm" column is title-based) and the first source being one of a channel and category (Fig. 4 – the source that the program on channel 22, "CNN", is associated with is of the category 'NEWS'), wherein the first column is not a topic displayed column (The first column of the grid, as seen in Fig. 4, is not the vertical axis labeled as 'TOPIC', but the column under '9:30pm'); and displaying in a second cell formed at an intersection of said first row and a second column, program information for a second program associated with a second source (Fig. 4 –LOCAL NEWS, channel 51)". No exclusion of the axes column and row has been included in the claim language.

To emphasize the examiner's position, another reference is cited, although the references of record are still believed to cover all the elements of the applicant's invention as claimed.

Wakisaka et al. (hereinafter 'Wakisaka et al.', Patent No.: 6,421,828) teaches displaying a program guide, where he distinguishes the parts of it. Wakisaka shows an EPG having a cell area (E, Fig. 14; col. 1 lines 22-36; col. 5 lines 14-40) and two axes (respectively, time and channel row and column, Fig. 14).

Therefore, the examiner respectfully believes that the art of record still covers applicant's invention as claimed and maintains the rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

3. Claims **1-7, 9-21, 23-37, 39-51 and 53-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. (hereinafter 'Stautner', Patent No. 6,172,677) in view of Nelson (Patent No. 5,710,605).

Regarding claim 1, Stautner teaches an apparatus for displaying an electronic program guide (EPG) comprising:

defining a logical grid on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each said column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

displaying in a first cell formed at an intersection of a first row and a first column, program information for a first program associated with a first source (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—“CNN” is title-based, just as “ABC NIGHTLINE” under the “10:30pm” column is title-based) and the first source being one of a channel and a category (Fig. 4—the source that the program on channel 22, “CNN”, is associated with is

of the category "NEWS"), wherein the first column is not a topic displayed column

(The first column of the grid, as seen in Fig. 4, is not the vertical axis labeled as 'TOPIC', but the column under '9:30pm'); and

displaying in a second cell formed at an intersection of said first row and a second column, program information for a second program associated with a second source (Fig. 4—LOCAL NEWS, channel 51).

Stautner teaches displaying the described program guide on a personal computer display, however, fails to specifically teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

Regarding claim 2, Stautner teaches the step of displaying in a third cell within a second row, program information for a third program, wherein said first, second, and third programs satisfy criteria associated with a single logical user

(Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

Regarding claim 3, Stautner teaches wherein said program information for said first and second programs comprise title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

Regarding claim 4, Stautner teaches wherein said first and second programs are associated with a first program category (Fig. 4—NEWS describes the category of the first row of the EPG).

Regarding claim 5, Stautner teaches wherein said first and second programs are associated with a first program category and said third program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

Regarding claim 6, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

Regarding claim 7, Stautner teaches wherein a first icon associated with said first program category is displayed on said display and a second icon

Art Unit: 2623

associated with said second program category is displayed on said display (Figs. 2, 3 & 4—the triangle, upside down triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19 & 36-37).

Regarding claim 9, Stautner teaches wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—“integrated content guide for multiple sources is provided”).

Regarding claim 10, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

Regarding claim 11, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

Regarding claim 12, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

Regarding claim 13, Stautner teaches the step of displaying a physical representation of at least a portion of said grid on said display (Fig. 4—rows and columns).

Regarding claim 14, Stautner teaches the step of displaying on said display at least one of the times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

Regarding claim 15, Stautner teaches wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

Regarding claim 16, Stautner teaches wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

Regarding claim 17, Stautner teaches a method of displaying electronic program guide (EPG) data on a remote control comprising a display, comprising: defining a logical grid on said display of the remote control, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

displaying in a first cell formed at an intersection of a first column and a first row, program information for a first program associated with a first source (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—"CNN" is title-based, just as "ABC NIGHTLINE" under the "10:30pm" column is title-based) and the first source being one of a channel and category

(Fig. 4—the source that the program on channel 22, "CNN", is associated with is of the category "NEWS") wherein the first column is not a topic displayed column (The first column of the grid, as seen in Fig. 4, is not the vertical axis labeled as 'TOPIC', but the column under '9:30pm').

Stautner fails to explicitly teach displaying in a second cell formed at an intersection of a second column and a second row, program information for a second program associated with said first source.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the display of the individual cells in order to place program information at the intersection of a second column and a second row that is associated with the first source because the user can issue a command to the system that causes a rearrangement and resorting of the display of the individual cells, as taught by Stautner, in order to provide a more convenient program guide to a user based upon that user's interest (Stautner: Fig. 4; col. 3, lines 22-23; col. 8, lines 4-6).

Also, regarding claim 17, Stautner teaches displaying the described program guide on a personal computer display, but fails to specifically teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

Regarding claim 18, Stautner teaches wherein said first and second programs satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

Regarding claim 19, Stautner teaches wherein the program information for said first and second programs comprises title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

Regarding claim 20, Stautner teaches wherein said first program is associated with a first program category and said second program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

Regarding claim 21, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the

triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

Regarding claim 23, Stautner teaches wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—“integrated content guide for multiple sources is provided”).

Regarding claim 24, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

Regarding claim 25, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

Regarding claim 26, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

Regarding claim 27, Stautner teaches displaying a physical representation of at least a portion of said grid on said display (Fig. 4—rows and columns).

Regarding claim 28, Stautner teaches displaying on the display at least one of the times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

Regarding claim 29, Stautner teaches wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

Regarding claim 30, Stautner teaches wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

Regarding claim 31, Stautner teaches an apparatus for displaying an electronic program guide (EPG) data comprising:

- a personal computer system display screen (Fig. 4);

- a logical grid defined on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each said column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

- program information for a first program associated with a first source displayed in a first cell formed at an intersection of a first row and a first column (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—"CNN" is title-based, just as "ABC NIGHTLINE" under the "10:30pm"

Art Unit: 2623

column is title-based) and the first source being one of a channel and category (Fig. 4—the source that the program on channel 22, "CNN", is associated with is of the category "NEWS"), wherein the first column is not a topic displayed column (The first column of the grid, as seen in Fig. 4, is not the vertical axis labeled as 'TOPIC', but the column under '9:30pm'); and

program information for a second program associated with a second source displayed in a second cell formed at an intersection of said first row and a second column (Fig. 4—LOCAL NEWS, channel 51).

Stautner teaches displaying the described program guide on a personal computer display. Stautner, however, fails to teach a remote control capable of sending wireless commands and a display incorporated on the remote control where a logical grid is displayed.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

Regarding claim 32, Stautner teaches program information for a third program displayed in a third cell within a second row, wherein said first, second, and third programs satisfy criteria associated with single logical user (Fig. 4—“TOPIC” column; col. 7, lines 57-58—store information associated with a given user).

Regarding claim 33, Stautner teaches wherein said program information for said first program and said second program comprises title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all “title-based”; col. 4, lines 37-40).

Regarding claim 34, Stautner teaches wherein said first program and second program are associated with a first program category (Fig. 4—NEWS describes the category of the first row of the EPG).

Regarding claim 35, Stautner teaches wherein said first program and said second program are associated with a first program category and said third program is associated with a second program category (Fig. 4—NEWS describes the category of the first row of the EPG and SPORTS describes the category of the second row of the EPG).

Regarding claim 36, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the

triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

Regarding claim 37, Stautner teaches wherein a first icon associated with the first program category is displayed on said display and a second icon associated with said second program category is displayed on said display (Figs. 2, 3 & 4—the triangle, upside down triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19 & 36-37).

Regarding claim 39, Stautner teaches wherein the data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—“integrated content guide for multiple sources is provided”).

Regarding claim 40, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

Regarding claim 41, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

Regarding claim 42, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

Regarding claim 43, Stautner teaches a display of a physical representation of at least a portion of said grid (Fig. 4—rows and columns).

Regarding claim 44, Stautner teaches a display of at least one of said times associated with said first column (Fig. 4—9:30pm is displayed according to the start time of the first column; col. 3, lines 30-33).

Regarding claim 45, Stautner teaches wherein said first program comprises at least two cells to which a timeslot is associated therewith (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

Regarding claim 46, Stautner teaches wherein said first program represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

Regarding claim 47, Stautner teaches an apparatus for displaying electronic program guide (EPG) data comprising:

- a personal computer system display screen (Fig. 4);

- a logical grid defined on said display, said grid having a plurality of columns and a plurality of rows (col. 4, lines 29-57), wherein each column has associated therewith a beginning time and an end of a time period (Fig. 1—10; col. 3, lines 30-33);

program information for a first program associated with a first source displayed in a first cell formed at an intersection of a first column and a first row (Fig. 4—CNN, channel 22), the program information being title-based information (Fig. 4—“CNN” is title-based, just as “ABC NIGHTLINE” under the “10:30pm” column is title-based) and the first source being one of a channel and category (Fig. 4—the source that the program on channel 22, “CNN”, is associated with is of the category “NEWS”), wherein the first column is not a topic displayed column (The first column of the grid, as seen in Fig. 4, is not the vertical axis labeled as ‘TOPIC’, but the column under ‘9:30pm’).

Stautner fails to explicitly teach program information for a second program associated with a first source displayed in a second cell formed at an intersection of a second column and a second row.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the display of the individual cells in order to place program information at the intersection of a second column and a second row that is associated with the first source because the user can issue a command to the system that causes a rearrangement and resorting of the display of the individual cells in order to provide a more convenient program guide to a user based upon that user’s interest (Fig. 4; col. 3, lines 22-23; col. 8, lines 4-6).

Also, Regarding claim 47, Stautner teaches displaying the described program guide on a personal computer display. Stautner, however, fails to specifically teach a remote control capable of sending wireless commands and a display incorporated on the remote control where a logical grid is displayed.

In analogous art, Nelson teaches a remote control unit, and method (col. 1, lines 61-62), with a display for displaying television program schedule items, allowing a user to scroll through the list and select a television program (col. 2, lines 2-5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to include the program guide of Stautner in the remote control of Nelson in order to remotely program a television, videocassette recorder, etc. (col. 1, lines 38-42) using the display mechanism with programming schedule items displayed.

Regarding claim 48, Stautner wherein said first program and said second program satisfy criteria associated with a single logical user (Fig. 4—"TOPIC" column; col. 7, lines 57-58—store information associated with a given user).

Regarding claim 49, Stautner teaches wherein said program information for said first program and said second program comprises title-based information (Fig. 4—CNN, LOCAL NEWS, ABC NIGHTLINE, etc. are all "title-based"; col. 4, lines 37-40).

Regarding claim 50, Stautner teaches wherein said first program is associated with a first program category and said second program is associated with a second program category (Fig. 4—NEWS describes the category of the

Art Unit: 2623

first row of the EPG and SPORTS describes the category of the second row of the EPG).

Regarding claim 51, Stautner teaches wherein a first icon associated with said first program category is displayed on said display (Figs. 2, 3 & 4—the triangle, circle and square are icons that can provide links to advertising graphics; col. 3, lines 56-59; col. 5, lines 15-19).

Regarding claim 53, Stautner teaches wherein said data comprises program information for a plurality of programs available from a plurality of sources (Fig. 4—figure displays program information, i.e. titles, from different sources, such as CNN and the local news; abstract—“integrated content guide for multiple sources is provided”).

Regarding claim 54, Stautner teaches wherein said plurality of sources comprises a television broadcast channel (col. 1, lines 52-54).

Regarding claim 55, Stautner teaches wherein said television broadcast channel is a digital broadcast channel (col. 1, lines 51-52).

Regarding claim 56, Stautner teaches wherein said plurality of sources comprises a satellite broadcast channel (col. 1, line 56).

Regarding claim 57, Stautner teaches a display of a physical representation of at least a portion of said grid (Fig. 4—rows and columns).

Regarding claim 58, Stautner teaches a display of at least one of said times associated with said first column (Fig. 4—9:30pm is displayed according the start time of the first column; col. 3, lines 30-33).

Regarding claim 59, Stautner teaches wherein a timeslot associated with said first program comprises at least two cells (Fig. 5—timeslot for first program, "Football: Packers vs. Cowboys", comprises at least two cells).

Regarding claim 60, Stautner teaches wherein said program content represents ongoing content (Fig. 4—any program within the program guide could represent ongoing content).

4. Claims **1, 2, 8, 17, 18, 22, 31, 32, 38, 47, 48 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner in view of Darbee et al. (US 6,130,726).

The limitations of claims 1, 2, 17, 18, 31, 32, 47 and 48 Regarding Stautner have been discussed above. Again, Stautner fails to clearly teach displaying the electronic program guide on a remote control comprising a display.

In analogous art, Darbee et al. ("Darbee") teaches a program guide on a remote control display (Fig. 1—14). The remote control has a graphic display for

depicting program scheduling and/or advertising without causing an interruption in viewing content (col. 2, lines 46-449).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Stautner to include the program guide of Stautner in the remote control of Darbee in order to deliver both program scheduling and advertising data to a user without causing an interruption in any programming that currently is being viewed by the user (col. 2, lines 29-32).

Regarding claims 8, 22, 38 and 52, Stautner fails to clearly teach the data is displayed in a font or set of fonts having predetermined size and shape attributes to suit said logical user.

In analogous art, Darbee teaches the ability to vary the size of the font(s) used for the program guide as well as the ability to use different character sets and languages on the display of the remote control unit (col. 10, lines 51-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stautner to allow the data to be displayed in different, predetermined sizes and shapes chosen by the user, as taught by Darbee, in order to enable users with impaired vision to more easily view the data or to enable users with better-quality vision to view more information in the same area (Darbee: col. 10, lines 54-59).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

**/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623**